

**BOARD OF PAROLE HEARINGS (FORMERLY BOARD OF PRISON TERMS)**  
**2006 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2005**

|   |   |   |                   |  |                  |  |
|---|---|---|-------------------|--|------------------|--|
| <b>Subject: Mechanical Restraints.</b><br>Sacramento County Superior Court held in <i>In re Martin</i> that former BPT’s (now BPH’s) Revised Administrative Directive (AD 01/01) on restraints (prompted by <i>Armstrong</i> Injunction on ADA rights of prisoners/parolees) was an invalid underground regulation. |   | CCR Title & Sections Affected:<br><br><b>Title 15, new § 2035</b> |                   | Statutes/Cases Being Implemented:<br><i>In re Martin</i> ; PC §§ 835, 835(a), 2650 |                  |  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR   | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |  |                  |  |
|   |   | Notice:<br>03/06  | Hearing:<br>02/06 | Adoption:<br>02/06 EA<br>05/06 PA  | To OAL:<br>06/06 |  |
| Status: The Board is in the process of evaluating policies and procedures to implement applicable statutes.   |   |   |                   |  |                  |  |

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|--|---|--|-------------------|---|------------------|
| <b>Subject: Conditions of Parole.</b><br>Regulatory amendments are necessary to conform to federal guidelines and revised CDCR Form 1515, Notice of Parole |   | CCR Title & Sections Affected:<br><b>Title 15, §§ 2000 and 2510-2513</b> |                   | Statutes/Cases Being Implemented:<br>PC §§ 3052, 3053, 3053.2, 3053.5<br><i>Morrissey v. Brewer</i> 408 U.S. 471 (1972) |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:   |                   |   |                  |
|  |   | Notice:<br>03/06   | Hearing:<br>02/06 | Adoption:<br>02/06 EA<br>05/06 PA   | To OAL:<br>06/06 |
| Status: The Board is in the process of evaluating policies and procedures to implement applicable statutes.  |   |  |                   |   |                  |

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|--|--|--|-------------------|---|------------------|
| <b>Subject:</b><br><br><b>Parole: hearings.</b><br><br>Crime victims, next of kin of crime victims, or their immediate family members may designate representatives, limited to those with a close personal relationship, to speak for them at parole suitability hearings, provided that any statement provided by such representative would be limited to comments concerning the effect of the crime on the victim and only in the absence of a personal appearance or a statement at the hearing in lieu of a personal appearance of the crime victim, next of kin or immediate family members. The Board may permit designated representatives to file written, audiotaped, videotaped, or similarly documented statements, along with a written transcript of the statement, with the board in lieu of a personal appearance. Designated representatives are permitted to appear at parole hearings by videoconferencing, where available. |  | CCR Title & Sections Affected:<br><br><b>15 CCR § 2029</b> |                   | Statutes Being Implemented:<br><br>SB 1516 (Machado)<br>(Stats. 2004, Ch. 289)<br>Amends Penal Code §§ 3043, 3043.2, 3043.25 and 3043.3 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L.Winsor, (916) 324-9898 | Projected Dates:   |                   |   |                  |
|  |  | Notice:<br>03/06   | Hearing:<br>05/06 | Adoption:<br>05/06  | To OAL:<br>06/06 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes.   |  |  |                   |   |                  |

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|---|--|---|-------------------|---|------------------|--|
| <b>Subject:</b><br><br><b>Victims: appearances at parole hearings.</b><br><br>Allows crime victims, next of kin of crime victims, or a parent or guardian if the victim is a minor to submit statements on CDs, DVDs or any other recording medium acceptable to the court or the board in lieu of personal appearance at parole suitability hearings; allows victims or prosecutors to speak last at parole hearings; extends BPT’s ability to conduct life parole consideration and life rescission hearings with 2-person panels until 12/2005; reports on number of hearings conducted, scheduled, backlog of cases awaiting a hearing, and progress toward eliminating the backlog are now due on a quarterly basis instead of on a monthly basis. |  | <b>CCR Title &amp; Sections Affected:</b><br><br><b>15 CCR § 2029</b> |                   | <b>Statutes Being Implemented:</b><br><br>AB 2 (Bogh)<br>(Stats. 2004, Ch. 1)<br>Amends Penal Code §§ 1191.15, 3041 and 3043.2 and adds Penal Code § 3043.6 and W&I Code § 1767.9 |                  |  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR   | Contact Person & Phone Number:<br>Kelly L.Winsor, (916) 324-9898 | Projected Dates:  |                   |   |                  |  |
|   |  | Notice:<br>03/06  | Hearing:<br>05/06 | Adoption:<br>05/06  | To OAL:<br>06/06 |  |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes.  |  |   |                   |   |                  |  |

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|---|---|---|-------------------|--|------------------|
| <b>Subject: Sexually Violent Predator (SVP) Parole Holds.</b><br>The proposed regulatory amendment will provide for a process of imposing a 45-day hold based upon the inmate meeting SVP screening criteria, would obviate the need for DMH clinical evaluations to initiate the hold and would make the regulation consistent with amendments to the Sexually Violent Predator Law. |   | CCR Title & Sections Affected:<br><br><b>Title 15, § 2600.1</b> |                   | Statutes/Cases Being Implemented:<br>W&I Code §§ 6601.3 and 6602.5 |                  |
| Responsible Agency Unit:<br><br>Office of Legal Affairs, CDCR   | Contact Person & Phone Number:<br><br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |  |                  |
|   |   | Notice:<br>03/06  | Hearing:<br>05/06 | Adoption:<br>05/06   | To OAL:<br>06/06 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes.  |   |   |                   |  |                  |

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|---|---|---|-------------------|--|------------------|
| <b>Subject: Parole Period for Sex Offenders.</b><br>Implements the Sex Offender Containment Act of 2000. Will add to the list of crimes specific sex offenses that will require a parole period of 5 rather than 3 years. Changes include an additional 5-year parole period for commission of certain sex offenses if it is determined that the parolee poses a substantial danger to public safety. |   | CCR Title & Sections Affected:<br><br><b>Title 15, §§ 2515, 2535 and 2538</b> |                   | Statutes Being Implemented:<br><br>PC §§ 3000, 3000.1 and 3001 (AB Nos. 1300 & 2359) |                  |
| Responsible Agency Unit:<br><br>Office of Legal Affairs, CDCR   | Contact Person & Phone Number:<br><br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |  |                  |
|   |   | Notice:<br>03/06  | Hearing:<br>05/06 | Adoption:<br>05/06   | To OAL:<br>06/06 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes.  |   |   |                   |  |                  |

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|---|---|---|-------------------|--|------------------|--|
| <b>Subject: Reportable Information.</b><br>The proposed amendment changes the designation of parolees subject to mandatory reporting from those whose commitment offense is one of those listed in PC § 1192.7(c) to those listed in PC § 667.5(c). |   | CCR Title & Sections Affected:<br><br><b>Title 15, § 2616</b> |                   | Statutes Being Implemented:<br>PC §§ 186.22, 290, 295-300.3, 3000, 3053, 3056, 3067, 3060, 3060.5;<br>H&S Code §§ 11561, 11563 |                  |  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR   | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |  |                  |  |
|   |   | Notice:<br>04/06  | Hearing:<br>06/06 | Adoption:<br>06/06   | To OAL:<br>07/06 |  |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes.  |   |   |                   |  |                  |  |

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|--|---|---|-------------------|---|------------------|
| <b>Subject: Mandatory Reporting to BPH of Threats Against Any Public Official.</b>   |   | CCR Title & Sections Affected:<br><b>Title 15, § 2616</b> |                   | Statutes Being Implemented:<br>PC §§ 71, 76, 3060 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |   |                  |
|  |   | Notice:<br>04/06  | Hearing:<br>06/06 | Adoption:<br>06/06                                | To OAL:<br>07/06 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes. |   |   |                   |   |                  |

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|--|---|--|-------------------|--|------------------|
| Subject: Prosecutor Participation; Witnesses.  |   | CCR Title & Sections Affected:<br>Title 15, § 2030 |                   | Statutes Being Implemented:<br>PC § 3041.7 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:                                   |                   |  |                  |
|  |   | Notice:<br>04/06                                   | Hearing:<br>06/06 | Adoption:<br>06/06                         | To OAL:<br>07/06 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes. |   |  |                   |  |                  |

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|  |                                 |   |          |  |         |
|--|---------------------------------|---|----------|--|---------|
| <b>Subject: Parole Psych Returns.</b><br>Revisions to BPH’s psychiatric attention parole revocation process are necessary in response to court of appeals’ decision in <i>Terhune v. Superior Court (Whitley)</i> in which the court ruled that BPH’s revocation of parole for psychiatric treatment was an act in excess of the Board’s statutory authority and to clarify under what circumstances parole can be revoked when psychiatric treatment is imposed as a condition of parole by specifying the holdings in <i>In re Naito</i> . |                                 | CCR Title & Sections Affected:<br><br><b>Title 15, §§ 2511, 2513, 2570, 2571, 2602, 2605, 2620 , 2637, 2646, 2647.1</b> |          | Statutes/Cases Being Implemented:<br>W&I Code §§ 6601.3, 6602.5; PC § 290, 3000, 3053, 3056, 3057, 3060, 3060.5, 3064, 6600 6600.1; H&S Code §§ 11561, 11563; <i>Terhune v. Superior Court</i> (1998) 65 Cal.App.4 <sup>th</sup> 864; <i>In re Naito</i> (1986) 186 Cal.App.3d 1656) |         |
| Responsible Agency Unit:   | Contact Person & Phone Number:  | Projected Dates:  |          |  |         |
|  |                                 | Notice:   | Hearing: | Adoption:  | To OAL: |
| Office of Legal Affairs, CDCR  | Kelly L. Winsor, (916) 324-9898 | 04/06   | 06/06    | 06/06  | 07/06   |
| Status: New. The Board is in the process of evaluating policies and procedures to implement applicable statutes.   |                                 |   |          |  |         |

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|---|---|--|-------------------|---|------------------|
| <b>Subject: Media Representatives at Hearings.</b><br>Update obsolete BPH media regulations to conform to current CDCR policies and regulations. Remove reference to defunct association and update reference to association that accredits and licenses media representatives. |   | <b>CCR Title &amp; Sections Affected:</b><br><b>Title 15, §§ 2031 and 2032</b> |                   | <b>Statutes/Cases Being Implemented:</b><br>PC §§ 3041 and 3060;<br>GC §§ 11126 and 11342.2 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR   | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:   |                   |   |                  |
|   |   | Notice:<br>04/06   | Hearing:<br>06/06 | Adoption:<br>06/06  | To OAL:<br>07/06 |
| Status: New. The Board is in the process of evaluating policies and procedures to implement applicable statutes.  |   |  |                   |   |                  |

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|--|---|---|-------------------|--|------------------|
| <b>Subject: Citizen Complaint Policy.</b>  |   | CCR Title & Sections Affected:<br><b>Title 15, § 2245, 2643</b> |                   | Statutes Being Implemented:<br>PC § 148.6, 832.5 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |  |                  |
|  |   | Notice:<br>05/06  | Hearing:<br>07/06 | Adoption:<br>07/06                               | To OAL:<br>08/06 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes. |   |   |                   |  |                  |

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|--|--|--|-------------------|--|------------------|
| <b>Subject:</b><br><br><b>Battering and its effects.</b><br><br>Redefines the issue of “Battered Women’s Syndrome” to “intimate partner battering and its effects,” clarifies the definition of “domestic violence,” amends the basis for filing habeas petitions to the basis of “expert testimony relating to intimate partner battering and its effects” claims; applies habeas petitions to crimes committed prior to 1996; allows the claim of battering to be considered as a mitigating factor in any aspect of court proceedings, not just at trial alone. |  | CCR Title & Sections Affected:<br><br><b>15 CCR §§ 2000, 2239, 2269.1 and 2830</b> |                   | Statutes Being Implemented:<br><br>SB 1385 (Burton)<br>(Stats. 2004, Ch. 609)<br>Amends Evidence Code §1107 and Penal Code §1473.5 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L.Winsor<br>324-9898 | Projected Dates:   |                   |  |                  |
|  |  | Notice:<br>05/06   | Hearing:<br>07/06 | Adoption:<br>07/06   | To OAL:<br>08/06 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes.   |  |  |                   |  |                  |

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|--|---|---|-------------------|---|------------------|
| <b>Subject: Add “Three Strikes” Offenses to Definitions of Crimes Requiring Parole Consideration Hearings.</b>   |   | CCR Title & Sections Affected:<br><br><b>Title 15, § 2000</b> |                   | Statutes Being Implemented:<br>Penal Code §§ 667<br>And 1170.12 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |   |                  |
|  |   | Notice:<br>05/06  | Hearing:<br>07/06 | Adoption:<br>07/06  | To OAL:<br>08/06 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>Some of the proposed amendments were made as part of the attempted murder regulatory package. The Board is in the process of evaluating policies and procedures to implement applicable statutes. |   |   |                   |   |                  |

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|---|---|--|-------------------|--|------------------|--|--|
| <b>Subject: Expert Witness Regulations.</b><br>CDCR is in the process of amending 15 CCR 3413 (Incompatible Activity) and adopting new 15 CCR 3413.1 (Compensation for Expert Witness) to clarify the processes for notification and approval when an employee is subpoenaed to appear in any administrative, civil or criminal proceeding as an expert witness. BPH will promulgate a conforming regulation. |   | CCR Title & Sections Affected:<br><br><b>Title 15, § Unknown</b> |                   | Statutes Being Implemented:<br><br><b>Government Code<br/>§§ 68097.1 and 68097.2</b> |                  |  |  |
| Responsible Agency: Unit:<br>Office of Legal Affairs,<br>CDCR   | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:   |                   |  |                  |  |  |
|   |   | Notice:<br>05/06   | Hearing:<br>07/06 | Adoption:<br>07/06   | To OAL:<br>08/06 |  |  |
| Status: New. The Board is in the process of evaluating policies and procedures to implement applicable statutes.  |   |  |                   |  |                  |  |  |

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|--|---|---|-------------------|--------------------|------------------|
| <b>Subject: Proposed Decision Review.</b><br><br>The Board is considering methods by which the Board will review a portion of proposed life parole suitability decisions rather than all life parole suitability decisions. The review will encompass all grants of parole and a fixed percentage of parole denials. |   | CCR Title & Sections Affected:<br><br><b>Title 15, § 2041</b> |                   |                    |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |                    |                  |
|  |   | Notice:<br>05/06  | Hearing:<br>07/06 | Adoption:<br>07/06 | To OAL:<br>08/06 |
| Status: New regulatory project. The Board is in the process of evaluating policies and procedures.   |   |   |                   |                    |                  |

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|--|---|--|-------------------|--|------------------|--|
| <b>Subject: Hearing Participation by Telephone or Video Conferencing.</b>  |   | CCR Title & Sections Affected:<br><br><b>Title 15, §§ 2033, 2668</b> |                   | Statutes/Cases Being Implemented:<br>PC §§ 679.02, 1191.6, 3041, 3041.5, 3043.2, 3043.25, 3060<br><i>Morrissey v. Brewer</i> (1972) 408 U.S. 471 |                  |  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:   |                   |  |                  |  |
|  |   | Notice:<br>08/06   | Hearing:<br>10/06 | Adoption:<br>10/06   | To OAL:<br>11/06 |  |
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|--|---|---|-------------------|--|------------------|--|
| <b>Subject: Americans With Disabilities Act (<i>Armstrong</i>)</b>   |   | <b>CCR Title &amp; Sections Affected:<br/>Title 15, § 2251 et al.</b> |                   | <b>Statutes Being Implemented:</b><br>42 USC § 12131 et seq.;<br><i>Pennsylvania DOC v. Yeskey</i><br>118 S.Ct. 1952 |                  |  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |  |                  |  |
|  |   | Notice:<br>08/06  | Hearing:<br>10/06 | Adoption:<br>10/06   | To OAL:<br>11/06 |  |
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|--|---|---|-------------------|--|------------------|--|
| <b>Subject: Use of Force.</b>  |   | CCR Title & Sections Affected:<br><b>Title 15, §§ various</b> |                   | Statutes/Cases Being Implemented:<br>PC §§ 835, 835(a), 2650 |                  |  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |  |                  |  |
|  |   | Notice:<br>10/06  | Hearing:<br>12/06 | Adoption:<br>12/06   | To OAL:<br>01/07 |  |
| Status: New. The Board is in the process of evaluating policies and procedures to implement applicable statutes. |   |   |                   |  |                  |  |

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|--|---|---|-------------------|---|------------------|
| <b>Subject: Representation at Hearings (Multiple Attorneys)</b>  |   | CCR Title & Sections Affected:<br><b>Title 15, §§ 2256, 2465 and 2576</b> |                   | Statutes Being Implemented:<br>PC §§ 2966, 2978 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |   |                  |
|  |   | Notice:<br>10/06  | Hearing:<br>12/06 | Adoption:<br>12/06                              | To OAL:<br>01/07 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes. |   |   |                   |   |                  |

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|--|---|---|---------------------|---|--------------------|--|
| <b>Subject: Valdivia Remedial Plan (Parole Revocation).</b>  |   | CCR Title & Sections Affected:<br><b>Title 15, §§ various</b> |                     | Case(s) Being Implemented:<br><i>Valdivia v. Schwarzenegger</i> |                    |  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                     |   |                    |  |
|  |   | Notice:<br>Various  | Hearing:<br>Various | Adoption:<br>Various  | To OAL:<br>Various |  |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes. |   |   |                     |   |                    |  |

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|--|---|--|-------------------|---|---------------------------|
| <b>Subject: Service of Subpoenas.</b><br>Amendment is necessary due to new process under Valdivia.   |   | CCR Title & Sections Affected:<br><br><b>Title 15, §§ 2678, 2679.2, 2683</b> |                   | Statutes Being Implemented:<br><br>New PC § 1328(d) |                           |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:   |                   |   |                           |
|  |   | Notice:<br>02/07   | Hearing:<br>01/07 | Adoption:<br>01/07 EA<br>04/07 PA                   | To OAL:<br>01/07<br>05/07 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>Emergency regulatory package. The Board is in the process of evaluating policies and procedures to implement applicable statutes. |   |  |                   |   |                           |

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**BOARD OF PAROLE HEARINGS (FORMERLY BOARD OF PRISON TERMS)  
2006 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2005**

|  |   |   |                   |   |                  |
|--|---|---|-------------------|---|------------------|
| <b>Subject: Revocation of Parole</b><br><b>(Extension to maximum discharge date)</b>   |   | CCR Title & Sections Affected:<br><b>Title 15, § 2637</b> |                   | Statutes Being Implemented:<br>PC §§ 3000, 3056, 3060 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |   |                  |
|  |   | Notice:<br>03/07  | Hearing:<br>05/07 | Adoption:<br>05/07                                    | To OAL:<br>06/07 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes. |   |   |                   |   |                  |

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|---|---|---|-------------------|---|------------------|
| <b>Subject: Parole Revocation Assessment Guidelines.</b><br>Amendments to current guidelines for parole revocation terms are necessary to implement extensive changes in parole supervision, increased use of intermediate sanctions, and the hearing process under <i>Valdivia</i> . |   | CCR Title & Sections Affected:<br><br><b>Title 15, § 2646.1</b> |                   | Cases/statutes Being Implemented:<br><br><i>Valdivia v. Schwarzenegger</i> ;<br>Penal Code §§ 3056, 3057, 3060 and 3060.5 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR   | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |   |                  |
|   |   | Notice:<br>03/07  | Hearing:<br>05/07 | Adoption:<br>05/07  | To OAL:<br>06/07 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>Emergency regulation package approved by BPT on 2/10/04.   |   |   |                   |   |                  |

EA = Emergency Adoption      ER = Emergency Readoption      PA = Permanent Adoption

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**BOARD OF PAROLE HEARINGS (FORMERLY BOARD OF PRISON TERMS)  
2006 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2005**

|  |   |   |                   |  |                  |
|--|---|---|-------------------|--|------------------|
| <b>Subject: Revocation Extension.</b><br>Reduces CDCR’s referral of parolee in-custody misconduct to BPH for Revocation Extension Hearings to only CDCR Serious Disciplinary Offenses A, B, C and certain types of Reportable Information. |   | CCR Title & Sections Affected:<br><br><b>Title 15, §§ 2000, 2031, 2515, 2740-2742</b> |                   | Statutes Being Implemented:<br><br>Penal Code § 3057 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |  |                  |
|  |   | Notice:<br>03/07  | Hearing:<br>05/07 | Adoption:<br>04/04 EA<br>(wd 04/04)<br>05/07         | To OAL:<br>06/07 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>Emergency filed and withdrawn April 2004. Board approved 7/13/04.   |   |   |                   |  |                  |

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|--|---|---|-------------------|--|------------------|
| <b>Subject: Parole Warrants/Detainers.</b>   |   | CCR Title & Sections Affected:<br><br><b>Title 15, §§ 2710-2714</b> |                   | Statutes Being Implemented:<br><br>PC § 3060 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |  |                  |
|  |   | Notice:<br>04/07  | Hearing:<br>06/07 | Adoption:<br>06/07                           | To OAL:<br>07/07 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes. |   |   |                   |  |                  |

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**BOARD OF PAROLE HEARINGS (FORMERLY BOARD OF PRISON TERMS)  
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2005**

|  |   |  |                   |  |                  |  |
|--|---|--|-------------------|--|------------------|--|
| <b>Subject: Recall of Sentence; Terminal Illness.</b>  |   | CCR Title & Sections Affected:<br><b>Title 15, §§ 2815, 2816, 2818 and 2840-2842</b> |                   | Statutes Being Implemented:<br>PC §§ 1170(e), 4801, 4812<br>GC § 11126(c)(4) |                  |  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:   |                   |  |                  |  |
|  |   | Notice:<br>04/07   | Hearing:<br>06/07 | Adoption:<br>06/07   | To OAL:<br>07/07 |  |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes. |   |  |                   |  |                  |  |

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|--|---|--------------------------------|-------------------|-------------------------------------|------------------|
| <b>Subject: Restitution Obligations Prior to Discharge from Parole.</b>  |   | CCR Title & Sections Affected: |                   | Statutes Being Implemented:         |                  |
| CDCR added 15 CCR § 3501 (restitution obligations shall be considered in discharge review process). BPH will conform its discharge review regulation (15 CCR § 2535) to the CDCR regulation. |   | Title 15, § 2535               |                   | PC §§ 3001, 3000.1, 3060.1, 3000.05 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:               |                   |                                     |                  |
|  |   | Notice:<br>04/07               | Hearing:<br>06/07 | Adoption:<br>06/07                  | To OAL:<br>07/07 |
| Report on the status of all uncompleted rulemaking described on previous calendars:<br>The Board is in the process of evaluating policies and procedures to implement applicable statutes.   |   |                                |                   |                                     |                  |

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**BOARD OF PAROLE HEARINGS (FORMERLY BOARD OF PRISON TERMS)**

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|  |   |   |                   |   |                  |
|--|---|---|-------------------|---|------------------|
| <b>Subject: Subsequent Parole Hearing.</b><br>Amendment will clarify that in cases where the Governor exercises his discretion to reverse a Board decision granting parole, pursuant to PC § 3041.2, the subsequent parole hearing shall occur within one year of the Governor’s decision. |   | CCR Title & Sections Affected:<br><br><b>Title 15, § 2270</b> |                   | Statutes Being Implemented:<br>Govt. Code § 12012.1;<br>Penal Code § 2912 |                  |
| Responsible Agency Unit:<br>Office of Legal Affairs, CDCR  | Contact Person & Phone Number:<br>Kelly L. Winsor, (916) 324-9898 | Projected Dates:  |                   |   |                  |
|  |   | Notice:<br>04/07  | Hearing:<br>06/07 | Adoption:<br>06/07  | To OAL:<br>07/07 |
| Status: New. The Board is in the process of evaluating policies and procedures to implement applicable statutes.   |   |   |                   |   |                  |